

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

GORDON PICKETT,

Petitioner,

- versus -

UNITED STATES SECRET SERVICE,

Respondent.

ORDER

11-CV-5469

JOHN GLEESON, United States District Judge:

Gordon Pickett filed this *pro se* petition on November 3, 2011, asking that the Court vacate the administrative forfeiture of his property pursuant to the Administrative Procedure Act (“APA”), 5 U.S.C. § 702. I grant Pickett permission to *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915 solely for the purpose of this Order.

Pickett’s petition raises the same issues and seeks the same relief as did motions he filed pursuant to the APA and Criminal Rule of Civil Procedure 41(g) in his prior criminal case, *United States v. Pickett*, 07-CR-117, both of which I denied. For this reason, and for the reasons set forth in my September 1, 2011 Order in his criminal case, I dismiss his petition with prejudice. *See* 28 U.S.C. § 1915(e)(2)(B) (providing that a court must dismiss an IFP action *sua sponte* if it determines that the action “(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief”). IFP status is denied for the purpose of an appeal because any appeal from this Order would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

So ordered.

John Gleeson, U.S.D.J.

Dated: December 14, 2011  
Brooklyn, New York